

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CRYSTAL ELUSTRA and
CHRIS LOPEZ as Mother and
Next Friend of MORIAH ELUSTA
and NAJATI ELUSTRA

Plaintiff,

v.

TOM MINEO and BRAD FRALICH,
Individually and d/b/a
BUFFALO WILD WINGS

Defendant.

No. 08 CV 3162

REPORT OF PARTIES PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on AUGUST 12, 2009 via telephone conference.

The parties were:

Michael Conway of Conway & Chiaviello for plaintiffs;

Ronald W. Payne of Lewis Brisbois Bisgaard & Smith, LLP for defendants Brad Fralich,
Individually and d/b/a Buffalo Wild Wings

John J. Timbo of James G. Soto & Associates for defendant Tom Mineo

2. Pre-Discovery Disclosures.

The plaintiffs and Brad Fralich have exchanged Rule 26(a)disclosures. Defendant, Tom Mineo, mailed his Rule 26 disclosures to all parties on Wednesday, August 20, 2008.

3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

Plaintiff: facts in dispute, witnesses to incident, injuries to the Plaintiffs, actions of Defendants and their employees.

Defendant, TOM MINEO: Incident of July 22, 2007; injuries to Plaintiffs; actions of Plaintiffs and their guardians and/or parents in relation to a telephone harassment complaint of July 23, 2007 relating to charges brought against Plaintiffs.

Defendant, BRAD FRALICH: The entity that owns, controls and operates Buffalo Wild Wings; whether Brad Fralich does business as Buffalo Wild Wings; the allegations in the complaint; the actions of the Plaintiffs before, during, and after the July 22, 2007 incident; actions of the Plaintiffs and their guardians and/or parents in relation to a telephone harassment complaint of July 23, 2007 by Buffalo Wild Wings.

All discovery commenced in time to be completed by APRIL 1, 2009.

Maximum of interrogatories by each party to any other party. 30 (thirty).

Maximum of requests for admission by each party to any other party. 20 (twenty) due 30 days after service.

Maximum of depositions by plaintiff(s) and by defendant(s). 10 for Plaintiff; 18 for Defendants. Each deposition limited to maximum of 3-4 proposed hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:
from plaintiff(s) by unknown at this time;
from defendant(s) by unknown at this time.

Supplementations under Rule 26(e) due unknown at this time.

4. Other Items

The parties do not request a conference with the court before entry of the scheduling order.

The parties request for a pretrial conference is unknown at this time.

Plaintiff(s) should be allowed until JANUARY 9, 2009 to join additional parties and until JANUARY 9, 2009 to amend the pleadings.

Defendant(s) should be allowed until JANUARY 9, 2009 to join additional parties and until JANUARY 9, 2009 to amend the pleadings.

All potentially dispositive motions should be filed by MAY 1, 2009.

Settlement cannot be evaluated prior to APRIL 1, 2009.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:
from plaintiff(s) by JULY 1, 2009
from defendant(s) by AUGUST 1, 2009

Parties should have 30 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3). 30 days after service - remove

The case should be ready for trial by: October 1, 2009

Date: 8/21/09

Prepared by:

s/ Michael F. Conway

Michael F. Conway Attorney No. 3126034

Attorney for Plaintiffs

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312-782-3553

s/ John J. Timbo

John J. Timbo, Attorney No. 06238251

Attorney for Defendant Tom Mineo

JAMES G. SOTO & ASSOCIATES

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630-735-330

s/ Ronald W. Payne

Ronald W. Payne, Attorney No.

Attorney for Defendant Brad Fralich

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312-345-1718

CERTIFICATE OF SERVICE

The undersigned having first been duly sworn under oath, states that he electronically filed a complete copy of the foregoing **REPORT OF PARTIES PLANNING MEETING** with the Clerk of the Court on August 26, 2008 using the CM/ECF system, which will send notification of such filing to the attached service list.

s/ Michael F. Conway

Michael F. Conway Attorney No. 3126034

Attorney for Plaintiffs

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